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Counsel for Maria Hernandez

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIA HERNANDEZ,

Defendant.

No. CR 11-596 LHK

STIPULATION RE CONTINUANCE
OF STATUS DATE, ~~[PROPOSED]~~
ORDER

It is hereby stipulated between the defendant Maria Hernandez, by and through her attorney of record VICKI H. YOUNG, and the government, through Assistant United States Attorney Thomas M. O'Connell, that the status date of February 29, 2012, at 10:00 a.m. be continued to March 7, 2012, at 10:00 a.m. The reason for this continuance is that there parties are discussing a possible resolution to the matter, and additional time is needed for defense counsel to review the proposal with the defendant. A continuance to March 7, 2012, will allow sufficient time to schedule this meeting.

Under Title 18 U.S. C. §3161(h)(7)(B)(iv), the continuance is necessary to allow the attorneys for the government and the defense the reasonable time necessary for effective preparation taking into the account the exercise of due diligence. Since defense counsel needs additional time to

STIPULATION RE CONTINUANCE;
[PROPOSED] ORDER

1 discuss this recent proposal with her client, the time period from February 29, 2012, through March
2 7, 2012, should be excluded.

3 It is so stipulated.

4 Dated: February 24, 2012

Respectfully submitted,

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6 /s/ Vicki H. Young
7 VICKI H. YOUNG, ESQ.
8 Attorney for Maria Hernandez

9 Dated: February 24, 2012

MELINDA HAAG
UNITED STATES ATTORNEY

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11 /s/ Thomas M. O'Connell
12 THOMAS M. O'CONNELL
13 Assistant United States Attorney
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STIPULATION RE CONTINUANCE;
[PROPOSED] ORDER

1 **PROPOSED ORDER**

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3 GOOD CAUSE BEING SHOWN, the status date appearance set for February 29, 2012, is
4 continued to March 7, 2012. This Court finds that the period from February 29, 2012, through and
5 including March 7, 2012, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h). The
6 basis for such exclusion is that additional time is needed for defense counsel to have a mental status
7 examination of the defendant. Therefore the ends of justice served by such a continuance outweigh
8 the best interest of the public and the defendants in a Speedy Trial within the meaning of Title 18
9 U.S.C §3161(h)(7)(A).

10 As required by 18 U.S.C §3161 (h)(7)(A), this Court finds that the reason that the ends of
11 justice outweigh the best interest of the public and the defendant in a speedy trial are the denial of
12 the continuance would unreasonably deny both the attorney for the government and the attorney for
13 the defendant reasonable time necessary for effective preparation, taking into account the exercise of
14 due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

15 DATED:

16 LUCY H. KOH
17 U.S. DISTRICT JUDGE

18 Denied. A continuance for plea negotiations and
19 time for counsel and defendant to discuss a plea
20 offer is not a basis for a finding of excludable
21 time. Also, the proposed order discusses a mental
22 examination of the defendant which is not referenced
23 in the stipulation. This denial is without prejudice.
24 Parties may file a new stipulation and proposed order.
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STIPULATION RE CONTINUANCE
[PROPOSED] ORDER

Date: 2/27/12

Lucy H. Koh
U.S. District Judge